

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

TYRONE McCALLUM,

Plaintiff,

-v-

UNITED STATES OF AMERICA,

Defendant.

No. 20-CV-4811 (KMK)

ORDER

KENNETH M. KARAS, District Judge:

Tyrone McCallum (“Petitioner”) filed a Petition for a Writ of Habeas Corpus (the “Petition”) pursuant to 28 U.S.C. § 2255 to vacate, set aside, or correct his July 12, 2017 sentence of 105 months of imprisonment, imposed after Petitioner pled guilty to one count of racketeering conspiracy, in violation of 18 U.S.C. § 1962(d); and one count of brandishing a firearm during and in relation to a crime of violence, in violation of 18 U.S.C. § 924(c)(1)(A)(ii). (*See generally* Pet. For a Writ of Habeas Corpus (“Pet.”) (Dkt. No. 1, Case No. 20-CV-4811); Judg. (Dkt. No. 133, Case No. 15-CR-570).) Petitioner argued that his conviction under 924(c) could not stand in light of the Supreme Court’s decision in *United States v. Davis*, 139 S. Ct. 2319 (2019), (*see* Pet.), and the Government agreed, (*see* Govt. Resp. (Dkt. No. 205, Case No. 15-CR-570).) Accordingly, the Court resentenced Petitioner on January 13, 2022. (*See* Hr’g Tr. 7:17–10:10 (Jan. 13, 2022 Hr’g) (Dkt. No. 227, Case No. 15-CR-570).)

As the Petition has already been granted, the Clerk of the Court is respectfully directed to close Case No. 20-CV-4811.

SO ORDERED.

DATED:       October 5, 2022  
              White Plains, New York

A handwritten signature in black ink, appearing to read 'KMK', with a horizontal line extending from the end of the signature.

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KENNETH M. KARAS  
United States District Judge